

AMENDMENTS TO THE DRAWINGS:

The replacement sheet in the Appendix includes changes to Figure 5. In Figure 5, the previously omitted designation "Prior Art" has been added.

REMARKS

Claims 1-2, 4, 7-8, 9, 13-14, 16, and 19 have been amended. Support for the amendment is found at page 5, line 9 (for "loss-lessly"), at page 11, lines 1-2, 10-18 (for "last received"), and at page 8, lines 18-19 (for "embodied in a computer readable medium.")

New claims 20 and 21 have been added. Support is found at page 12, lines 1-7 (claim 20) and at page 3, lines 8-26 (claim 21).

Figure 5 has been amended to make editorial changes therein.

Claim 19 was rejected under 35 U.S.C. §101. The claim has been amended and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 4, 7, 10, 13, 16, and 19 were rejected as anticipated by KEKKI et al. 2003/0099255. Reconsideration and withdrawal of the rejection are respectfully requested.

KEKKI et al. describe (e.g., paragraphs 0004 and 0017) the same prior art as discussed in the background of the present invention. As explained at pages 2-3 of the present application, data loss is inevitable in the prior art because the MAC-hs function is in the base station. KEKKI et al. describe the same soft handover as discussed in the background of the present application in which data are lost during the handover because there is no provision for transferring the last-received data

that is in a queue in the handover source base station (present application at page 3, lines 8-10). KEKKI et al. include the MAC-hs function in the base station (Figure 2B, paragraph 0004) so that the problem still exists in their device, do not address the lost data problem, and make no provision for stopping this loss of data.

By contrast, the amended claims define a radio network controller and method in which the last received packet data (i.e., the data transmitted up to the moment and in the queue in the handover source base station) is loss-lessly transferred to the handover destination base station when handover between base stations occurs.

KEKKI et al. does not transfer the packet data loss-lessly and makes no provision for transferring the last-received packet data, which will be lost for the reasons described in the background of the present application.

The means-plus-function limitations in the claims are to be interpreted under §112, sixth paragraph. The corresponding structure is summarized on page 6, line 15 through page 7 line 7 and includes the RNC 1 of Figure 1 and RNC 5 of Figure 3. KEKKI et al. do not describe a corresponding structure that performs the same function as claimed.

Accordingly, the amended claims avoid the rejection under §102.



Claims 2-3, 8-9, and 14-15 were rejected as unpatentable over KEKKI et al. in view of MILTON et al. 6,721,333. Claims 6, 12, and 18 were rejected as unpatentable over KEKKI et al. in view of YI et al. 2003/0128705 (the Official Action erroneously refers to claims 3, 9, and 15). Claims 5, 11, and 17 were rejected as unpatentable over KEKKI et al. in view of PUDAS et al. 2002/0131416. The further references do not disclose or suggest loss-lessly transferring the last-received packet data as claimed and thus do not make up the shortcomings of KEKKI et al. noted above. Reconsideration and withdrawal of the rejections are respectfully requested.

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The new claims are allowable because the references do not disclose or suggest converting an address contained in the packet data last received at the handover source base station as in claim 20, or transferring the data in the queue to the handover destination base station as in claim 21.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$50 for the extra claim of any type added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

APPENDIX:

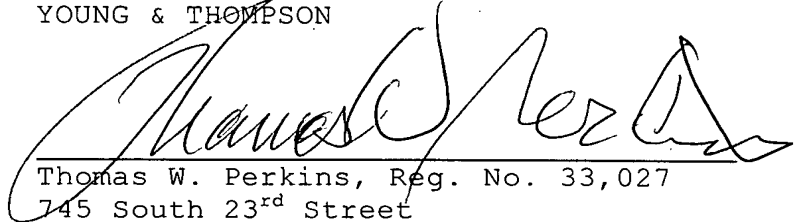
The Appendix includes the following item:

- a Replacement Sheet for Figure 5 of the drawings

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in black ink, appearing to read "Thomas W. Perkins", is written over a horizontal line.

Thomas W. Perkins, Reg. No. 33,027
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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